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SPIN MASTER, LTD.

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
WESTERN DIVISION

SPIN MASTER, LTD., a Canadian  
corporation,

Plaintiff,

vs.

BRIX 'N CLIX CO., LTD., a Hong  
Kong company, CYI, INC., a  
California corporation, and REHCO,  
LLC, an Illinois corporation.

Defendants.

Case No.

COMPLAINT FOR COPYRIGHT  
INFRINGEMENT, VIOLATION  
OF SECTION 43(a) OF THE  
LANHAM ACT, VIOLATION OF  
CALIFORNIA BUSINESS &  
PROFESSIONS CODE § 17200  
AND COMMON LAW UNFAIR  
COMPETITION, DAMAGES  
AND INJUNCTIVE RELIEF

DEMAND FOR JURY TRIAL

Plaintiff Spin Master, Ltd. ("Spin Master") by and through its attorneys,  
brings this action against Defendants Brix 'N Clix Co., Ltd., CYI, Inc., and  
Rehco, LLC alleging as follows:

1. This is a case involving a calculated attempt by the Defendants to  
illegally capitalize on the success of Spin Master's popular Flutterbye<sup>®</sup> flying  
fairy toy. Rather than independently create their own original product,  
Defendants conspired to create a look-a-like flying fairy (called "Starfly") that

1 is substantially similar to Spin Master's copyrighted flying fairy toy in  
 2 appearance, coloring, styling, and packaging –along with a copycat marketing  
 3 campaign.



14 Of all the ways to present the product, Defendants adopted packaging that is  
 15 substantially similar to Spin Master's Flutterbye packaging, and recently  
 16 launched an online commercial that emulates the look and feel of Spin  
 17 Master's own Flutterbye commercial – including the use of two young girls  
 18 dancing in synchrony with their flying fairy dolls. With full knowledge of the  
 19 success of Spin Master's flying fairy toy, and after a proposed collaboration  
 20 was rejected, Defendants went even further and brazenly exhibited their  
 21 infringing Starfly toy at the 2014 New York Toy Fair at a booth steps away  
 22 from the Spin Master booth. Defendants' attempts to mislead and divert  
 23 consumers away from Spin Master, and towards their own inferior copycat  
 24 product violates Spin Master's copyrights and constitutes infringement and  
 25 unfair competition under federal and state law. Spin Master has been left with  
 26 no choice but to seek injunctive relief and all available damages under the law.

1           **The Parties**

2           2.       Plaintiff Spin Master, Ltd. (“Spin Master”) is a Canadian  
3 corporation with its principal place of business in Toronto, Ontario. Plaintiff  
4 Spin Master also has offices in Los Angeles, California.

5           3.       Upon information and belief, Brix ‘N Clix Company, Ltd.  
6 (“Brix”) is a Hong Kong company, with a U.S. sales and marketing office led  
7 by Director Saul B. Jodel, and located at 3010 Canyon Road, Burlingame,  
8 California, 94010. Brix’s trademark filings and certain marketing materials  
9 also list a California address. Brix is engaged in the business of designing,  
10 manufacturing, importing and distributing toys in the United States. Upon  
11 information and belief, Brix is involved in the creation, design, manufacturing  
12 and/or distribution of the Starfly fairy toy.

13          4.       Upon information and belief, CYI, Inc., also doing business as  
14 Can You Imagine, (“CYI”) is a California corporation with its principal place  
15 of business at 9314 Eton Avenue, Chatsworth, California, 91311. CYI is  
16 engaged in the business of developing, manufacturing and selling toys to  
17 specialty stores and mass-market retailers. Upon information and belief, CYI  
18 is involved in the manufacturing and/or distribution of the Starfly fairy toy.

19          5.       Upon information and belief, Rehco, LLC (“Rehco”) is an Illinois  
20 limited liability corporation with its principal place of business at 1300 West  
21 Washington Street, Chicago, Illinois 60607. Rehco is engaged in the business  
22 of inventing new products for license primarily in the toy industry and,  
23 according to its website, provides a full range of design and development  
24 services for its ideas and inventions. Upon information and belief, Rehco is  
25 involved in the design and/or creation of the Starfly fairy toy, and was and is  
26 involved in working with the other Defendants to bring the Starfly fairy toy to  
27 market.

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## **Jurisdiction and Venue**

6. This Court has personal jurisdiction over Brix, CYI ,and Rehco (collectively, “Defendants”) because, upon information and belief, Defendants – through their business and other retail channels – have demoed, marketed, promoted, and/or offered for sale goods and services in California, target customers in this district, conduct business in this district, and/or have otherwise worked with companies in this district, and such conduct has caused or is likely to cause injury to Plaintiff in this judicial district.

7. This Court has subject-matter jurisdiction over the Copyright Act and Lanham Act claims action pursuant to 28 U.S.C. §§1331, 1332(a)(1) and 1338, as Plaintiff is a Canadian corporation, Defendant Brix ‘N Clix is a Hong Kong company, Defendant CYI is a California corporation, and Defendant Rehco is an Illinois corporation. This Court has jurisdiction over the state law claims in this action pursuant to 28 U.S.C. §1367(a) because the state law claims are so related to the federal claims that they form part of the same case or controversy and derive from a common nucleus of operative facts.

8. Venue is proper in this district under 28 U.S.C. §§1391 and 1400. Plaintiff is informed and believe that Defendants – through their executives, employees, online and other sales activities, and promotional activities – transact business in this district and my otherwise be found in this district, and a substantial part of the events giving rise to this litigation, including the injury to Plaintiff, occurred in this district.

## **Spin Master Develops and Introduces the Flutterbye<sup>®</sup> Flying Fairy**

9. Spin Master was started two decades ago by three young entrepreneurs. Since that time, Spin Master has grown to become a critically-acclaimed toy and entertainment company, earning fifteen coveted Toy of The Year awards to date. Spin Master has received praise as one of the leading



1 corporations, reaching platinum status as one of Canada's 50 Best Managed  
2 Companies, and winning wards such as Fast Company 50 Most Innovative  
3 Consumer Products Company, and the Ernst & Young Entrepreneur of the  
4 Year Award.

5 10. After extensive research, testing, and development, and following  
6 on its success with flying toys, Spin Master introduced a new flying fairy  
7 product called “Flutterbye” at the 2013 New York Toy Fair:

8 11. Flutterbye is a unique toy, incorporating a technology that allows  
9 a customer to “magically” fly and control the fairy doll using only the palm of  
10 one’s hand. In flight, Flutterbye floats and hovers – responding to the  
11 up/down hand motions of the user’s hand. Flutterbye is 7.5 inches tall, resting  
12 on a pink charging base with a single button push take-off.

13 12. Upon its debut, Flutterbye received rave reviews and was even  
14 recognized by Toys ‘R Us as a choice for its 2013 Fabulous 15 Hot Toy List.  
15 Flutterbye was also named to the following lists: Amazon Hot Holiday List,  
16 K-Mart “Fab 15,” Target Hot Toy List, Wal-Mart “Top 20 ‘Chosen by Kids’”,  
17 Parents Magazine Top Toy, Savvy Auntie Cool Toys, Time To Play Most  
18 Wanted, and Toy Insider Top 20. Among these and other recognitions, she  
19 was also featured on the *Ellen* television show as a “Best of Toys 2013” item  
20 and demonstrated on *Late Show with David Letterman*. Since its release,  
21 Spin Master has earned substantial revenues from sales of its Flutterbye fairy  
22 line of products and earned over hundreds of millions of news impressions.

23 13. The Flutterbye fairy figurine is original and distinctive. In  
24 recognition of Spin Master’s rights, the U.S. Copyright Office issued Spin  
25 Master U.S. Copyright Registration No. VA 1-861-460 for its “Flying Toy  
26 Figurine- Fairy” (a true copy of which is attached as **Exhibit A**), as well as  
27 pending U.S. Copyright Application Nos. 1-1346167847, 1-1346167541 and  
28

1 1-1310991861 for Flutterbye Flying Fairy Pink Flower, Flutterbye Flying  
2 Fairy Purple Stardust, and Spin Master's packaging (true copies of which are  
3 attached as **Exhibits B-D**).

4 14. Spin Master expended considerable effort and expense in  
5 promoting its Flutterbye<sup>®</sup> toys, including investing in original commercials,  
6 advertising that "With just a wave of your hand, your fairy will float, twirl,  
7 and fly!" "Flutterbye Fairy magically dances across the sky! The magic is in  
8 your hands!" and depicting a scene where two young girls launch, twirl and  
9 play with their toys, with animated stardust enhancing the toy's flight.

10 **Defendants' Wrongful Infringement and Unfair Competition**

11 15. Many months after Spin Master's successful launch of the  
12 Flutterbye flying fairy toy, Defendants conspired to create a lower cost,  
13 inferior, look-a-like product.

14 16. Upon information and belief, Defendant Rehco – aware of Spin  
15 Master's Flutterbye product – initially offered a "flying doll" product to  
16 Defendant Brix. Upon information and belief, Brix is a licensee of Rehco.  
17 Upon information and belief, Brix approached Spin Master about a possible  
18 collaboration in mid-2013 (after seeing the Flutterbye debut in the Spin Master  
19 booth at the 2013 Toy Fair). Brix's proposal (originally to only sell outside of  
20 North America) was politely declined by Spin Master without any exchange of  
21 samples of the "flying doll" at issue.

22 17. Upon information and belief, after seeing the success of Spin  
23 Master's Flutterbye fairy toy, and rather than independently creating a distinct  
24 product, Defendants Brix, CYI and Rehco together engaged in a plan to create  
25 a look-alike flying fairy product in an attempt to unfairly capitalize on Spin  
26 Master's success. Together, Defendants are manufacturing and marketing a  
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7.0” “Starfly,” which is an unauthorized copy of Spin Master’s copyrighted works. A side-by-side photograph of the products is shown below:



18. As shown above, Defendants’ “Starfly” fairy toy copies original elements of Spin Master’s copyrighted Flutterbye toy, and the two fairy toys are substantially similar in appearance. Among other non-coincidental similarities, Defendants’ Starfly toy uses similar, dominant colors; exaggerated eyes; similar nose and lips features; a similar close-crop hair swirl design and texture, including a sweeping side-part with accessory; crossed, joined legs and overlapping pointed-toe ballet slippers; similarly placed arm positioning (with a slight difference between palms facing outward or down); bars extending from the fairy’s waist; similarly shaped propellers on the skirts; and overlapped placement of the top and bottom spinning layers. In addition, the fairy products are also substantially identical in size and height. The similarities are eye-catching and hardly unintentional.

19. Indeed, the similarities between the Flutterbye fairy and Starfly fairy do not stop with the products themselves. Upon information and belief, Defendants' Starfly toy is being offered for sale – and promoted to the same target consumers, in the same trade channels – in packaging that emulates Spin Master's Flutterbye packaging.

20. For example, as shown below, among other similarities like color and styling, Defendants have included the cover and back images of a young girl demonstrating the Flying Fairy in motion underneath her cupped hands, with added swirls, stars and graphics to enhance the motion:



Figure 3 - Packaging (front view),  
Starfly



Packaging (front view),  
Flutterbye

Figure 4 – Packaging (rear view): Flutterbye on left, Starfly on right



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21. Additionally, the Starfly packaging copies the three steps of callout instructions on the side panel to (1) Place Starfly on charging base. (2) Press button to make her fly. (3) Wave your hand to guide her flight.



Figure 5 – Packaging (side view) (Starfly on left, Flutterbye on right)



22. Upon information and belief, Defendants demonstrated and promoted its Starfly fairy toy at the Brix and CYI booth at the New York Toy Fair, which took place in February 2014. It is beyond any coincidence that that Brix and CYI set up their booth *right next to* the entrance of Spin Master's booth at the Toy Fair:



23. Upon information and belief, Defendants Brix and CYI demonstrated the Starfly fairy toy at the 2014 Toy Fair to potential retail buyers and customers, and made specific comparisons and references to Spin Master's Flutterbye fairy toy, including claims that Defendants' Starfly fairy toy was a cheaper, yet better, product. Upon information and belief, the Starfly fairy toy is of poorer quality and/or features inferior performance as compared to the Flutterbye product.

1           24. Moreover, upon information and belief, Defendants have  
2 represented to potential customers that Starfly – not Flutterbye – is the proper  
3 producer of the flying fairy toys.

4           25. Shortly after the 2014 New York Toy Fair, Defendant Brix  
5 released on YouTube an online commercial for its Starfly flying fairy. In that  
6 commercial, a female voice announces, “Just wave your hand, you will guide  
7 your dancer around, turning and floating up and down as a real dancer,” and it  
8 includes a scene of two young girls performing synchronized choreography as  
9 they “fly” their toys together. That commercial emulates Spin Master’s prior  
10 advertisements for its Flutterbye fairy product.

11           26. Defendants’ illegal actions must be stopped. Spin Master has  
12 been damaged, and continues to be damaged by Defendants’ unauthorized use  
13 of the Flutterbye flying fairy copyrighted works (including the fairy doll  
14 figurine and packaging), and through a pattern of unfair competition designed  
15 to confuse consumers and capitalize on Spin Master’s hard-earned goodwill.

16           27. Unless these acts are restrained by this Court, they will continue  
17 to cause irreparable injury to Spin Master and to the public for which there is  
18 no adequate remedy at law.

19                           **FIRST CAUSE OF ACTION**  
20                           **COPYRIGHT INFRINGEMENT**

21                           **17 U.S.C. § 501 *et seq.***

22           28. Plaintiff realleges and incorporates herein by reference the  
23 matters alleged in Paragraphs 1 through 27 of this Complaint.

24           29. Plaintiff has registered and/or has applied to register with the  
25 United States Copyright Office the Flutterbye flying fairy toy and product  
26 packaging, bearing the numbers VA 1-861-460, 1-1346167847, 1-1346167541  
27 and 1-1310991861.  
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1           30. Plaintiff owns the copyright interests in and to the Flutterbye  
2 flying fairy figurine and its packaging, and Plaintiff's copyrights in these  
3 works are valid and original.

4           31. Defendants had access to Plaintiff's Flutterbye fairy product, and  
5 copied original elements from Plaintiff's copyrighted works to create and  
6 market their "Starfly" flying fairy toy. As illustrated above, Plaintiff's  
7 Flutterbye flying fairy toy and Defendants' Starfly flying fairy toy are  
8 substantially similar in appearance and expression.

9           32. In addition, Defendants had access to Plaintiff's packaging for the  
10 Flutterbye fairy product, and copied original elements from Plaintiff's  
11 packaging to market their "Starfly" flying fairy toy. As illustrated above, the  
12 packaging of the respective toys are substantially similar in appearance and  
13 expression.

14           33. Defendants' aforementioned conduct infringes and will continue  
15 to infringe the exclusive rights belonging to Plaintiff as owner of the  
16 copyrights.

17           34. At no time has Plaintiff authorized Defendants to copy,  
18 reproduce, adapt, distribute, or utilize in any way its copyrighted works.

19           35. As a direct and proximate result of its wrongful conduct, Plaintiff  
20 is informed and believes and based thereon, alleges, that it has suffered and  
21 will continue to suffer injury and damages in an amount to be determined at  
22 trial, and that Defendants have realized and continue to realize profits and  
23 other benefits rightfully belonging to Plaintiff which should be disgorged to  
24 Plaintiff. Accordingly, Plaintiff seeks an award of damages pursuant to 17  
25 U.S.C. §§ 504 and 505. Alternatively, Plaintiff reserves the right to seek  
26 statutory damages for Defendants' intentional infringement of its copyrighted  
27 works.  
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1           36. Upon information and belief, Defendants have willfully engaged  
2 in, and are willfully engaging in, the acts complained of with oppression,  
3 fraud, and malice, and in conscious disregard of the rights of Plaintiff. Plaintiff  
4 is, therefore, entitled to the maximum statutory damages allowable.

5           37. Defendants' infringing conduct has also caused and is causing  
6 substantial and irreparable injury and damage to Plaintiff in an amount not  
7 capable of determination, and, unless restrained, will cause further irreparable  
8 injury, leaving the Plaintiff with no adequate remedy at law.

9                           **SECOND CAUSE OF ACTION**

10                   **FALSE DESIGNATION OF ORIGIN, UNFAIR COMPETITION,**  
11                           **(15 U.S.C. § 1125(a))**

12           38. Plaintiff realleges and incorporates herein by reference the  
13 matters alleged in Paragraphs 1 through 37 of this Complaint.

14           39. Without Plaintiff's permission, Defendants have used Plaintiff's  
15 distinctive trade dress in its product packaging, and adopted the look and feel  
16 of Plaintiff's product marketing.

17           40. Defendants' use of confusingly and substantially similar  
18 packaging and marketing, and its use false or misleading descriptions of fact  
19 and/or false or misleading representations of fact in connection with the  
20 marketing, advertising, promotion, distribution, offering for sale and selling of  
21 its goods and services, constitutes false designation of origin and unfair  
22 competition in violation of Section 43(a) of the Lanham Act, 15 U.S.C. §  
23 1125(a).

24           41. Defendants have made misrepresentations of fact in marketing  
25 and promotional efforts that pertain to and include, but are not limited to, the  
26 nature, characteristics and qualities of Defendants' products and services, as  
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1 well as the nature, characteristics and qualities of the products and services  
2 offered by Plaintiff.

3 42. Plaintiff is informed and believes and thereon alleges that  
4 Defendants' actions and misrepresentations of fact have deceived, and will  
5 continue to deceive, consumers about matters material to their decisions to  
6 purchase flying fairy toy products.

7 43. As a direct and proximate result of Defendants'  
8 misrepresentations, Defendants have damaged and will continue to damage  
9 Plaintiff's goodwill and reputation, and has caused and is likely to continue to  
10 cause lost profits to Plaintiff.

11 44. Defendants' actions have caused and will continue to cause  
12 irreparable harm to Plaintiff and to the public who is confused by Defendants'  
13 conduct.

14 45. Upon information and belief, Defendants actions have been  
15 willful and in conscious disregard of Plaintiff's rights.

16 46. As a further direct and proximate result of Defendants' actions,  
17 Plaintiff has been, and will continue to be, damaged and is entitled to receive  
18 compensation arising from its lost profits, in an amount to be proven at the  
19 time of trial. Plaintiff is also entitled to disgorge Defendants' profits, and is  
20 entitled to interest and to its attorneys' fees and costs in bringing this action,  
21 all in an amount to be proven at trial. Plaintiff is further entitled to injunctive  
22 relief, and to all other and further forms of relief this Court deems appropriate.

23 47. The damages sustained by Plaintiff as a result of the conduct  
24 alleged herein should be trebled in accordance with 15 U.S.C. § 1117.

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**THIRD CAUSE OF ACTION**  
**TRADE DRESS INFRINGEMENT**  
**(15 U.S.C. § 1125(a))**

48. Plaintiff realleges and incorporates herein by reference the matters alleged in Paragraphs 1 through 47 of this Complaint.

49. Plaintiff has valid and protectable rights in the trade dress of its product packaging – the non-functional, inherently distinctive features of which distinguish Plaintiff’s products and serve as an indicator of origin.

50. Plaintiff’s products are packaged using a unique combination of elements, including but not limited to those described and depicted in the foregoing paragraphs.

51. Plaintiff’s trade dress is inherently distinctive, arbitrary and/or fanciful, and has acquired secondary meaning by virtue of its promotion and sales success in the marketplace and trade.

52. Defendants’ packaging for the Starfly fairy toy is similar in look and feel to Plaintiff’s distinctive packaging for the Flutterbye fairy toy. Plaintiff’s and Defendants’ flying fairy toys are sold to the same consumers and in overlapping trade channels, and marketing through similar means.

53. Defendants’ conduct was and is willful, with the intent to cause confusion as to the source, affiliation, or sponsorship of their flying fairy toy.

54. Plaintiff’s Defendants’ use of highly similar packaging for its infringing Starfly fairy toy infringes Plaintiff’s trade dress rights in its Flutterbye product packaging and marketing, and has confused and deceived, and is likely to continue to confuse and deceive consumers.

55. Defendants’ unauthorized use of Plaintiff’s trade dress, and their conduct described above, deprives Plaintiff of the ability to control the consumer perception of the quality of the toy products marketed under its



1 trade dress, and places Plaintiff's valuable reputation and goodwill in the  
2 hands of Defendants, over which Plaintiff has no control. Any defects,  
3 objections, or faults found with Defendants' products marketed under  
4 Plaintiff's trade dress could negatively reflect upon and injury the reputation  
5 that Plaintiff has established for its toy products.

6 56. Defendants' wrongful acts have damaged Plaintiff in an amount  
7 to be proven at trial.

8 57. Plaintiff has suffered, and will continue to suffer, irreparable  
9 harm as a direct and proximate result of Defendant's actions and for which  
10 monetary relief is insufficient. Such irreparable harm will continue unless and  
11 until enjoined by this Court.

12  
13 **FOURTH CAUSE OF ACTION**  
14 **UNFAIR COMPETITION**  
15 **(CAL. BUS & PROF. CODE § 17200)**

16 58. Plaintiff realleges and incorporates herein by reference the  
17 matters alleged in Paragraphs 1 through 57 of this Complaint.

18 59. Defendants' acts and pattern of passing off its products as  
19 Plaintiff's as described herein constitute unfair competition in violation of  
20 California Business and Professional Code § 17200 et seq., as they are likely  
21 to deceive the public.

22 60. Upon information and belief, Defendants also have used a  
23 combination of infringing activities, in concert with deliberate conduct to  
24 mislead consumers as to the originality and quality of the parties' products,  
25 and continue to engage in such actions in unfair competition and with the  
26 intention of interfering with and trading on the business reputation and  
27 goodwill created by Plaintiff through their tireless efforts and investment.  
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1           61. Defendants' acts of unfair competition have caused and will  
2 continue to cause Plaintiff irreparable harm. Plaintiff has no adequate remedy  
3 at law for Defendants' unfair competition.

4           62. Defendants' actions were and are willful and wanton.

5           63. Plaintiff is entitled to a judgment enjoining and restraining  
6 Defendants from engaging in further unfair competition.

7                           **FIFTH CAUSE OF ACTION**

8                           **COMMON LAW UNFAIR COMPETITION**

9           64. Plaintiff realleges and incorporates herein by reference the  
10 matters alleged in Paragraphs 1 through 63 of this Complaint.

11           65. Defendants' aforementioned actions, including but not limited to  
12 their deceptive and misleading conduct, their use of Plaintiff's packaging trade  
13 dress, and false designation of origin and false descriptions constitute unfair  
14 competition in violation of the common law of California.

15           66. Upon information and belief, Defendants engaged and continue to  
16 engage in such actions in unfair competition and with the intention of  
17 interfering with and trading on the business reputation and goodwill created by  
18 Plaintiff through its tireless efforts and investment.

19           67. Defendants' wrongful acts have caused and will continue to cause  
20 Plaintiff irreparable harm and competitive injury. Plaintiff has no adequate  
21 remedy at law.

22           68. Defendants' actions were and are willful and wanton.

23           69. Plaintiff is entitled to a judgment enjoining and restraining  
24 Defendants from engaging in further acts of infringement and unfair  
25 competition.  
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**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff prays for relief as follows:

1. Entry of an order and judgment requiring that Defendants and their agents, employees, and representatives, and all other persons, firms or corporations in active concert or participation with Defendant, be enjoined and restrained from: (a) using Plaintiff's copyrighted works in the Flutterbye flying fairy toys, including but not limited to manufacturing, selling, distributing, promoting, advertising, offering for sale, or otherwise placing into the market the current version of the "Starfly" toy or any other substantially similar product that infringes Plaintiff's registered copyrights in its flying fairy figurine or packaging therefor; and (b) doing any act or thing calculated or likely to cause confusion or mistake in the minds of members of the public, or prospective customers of Plaintiff's products or services, as to the source of the products or services offered for sale, distributed, or sold, or likely to deceive members of the public, or prospective customers, into believing that there is some connection between the Starfly and Flutterbye toy products – including but not limited to using confusingly similar product packaging and advertising;
2. A judgment ordering Defendants, pursuant to 15 U.S.C. § 1116(a), to file with this Court and serve upon Plaintiff within thirty (30) days after entry of the injunction, a report in writing under oath setting forth in detail the manner and form in which Defendants have complied with the injunction as set forth above;

- 1           3.     A judgment ordering Defendants, pursuant to 15 U.S.C. § 1118,  
2             to deliver up for destruction, or to show proof of said destruction  
3             or sufficient modification to eliminate the infringing matter, all  
4             packaging, wrappers and promotional materials or other matter in  
5             the possession, custody, or under the control of Defendants or  
6             their agents which are found to violate 15 U.S.C. § 1125(a);
- 7           4.     Plaintiff's damages sustained by reason of the acts complained of  
8             herein, in an amount to be proven at trial;
- 9           5.     A judgment ordering Defendants to account to Plaintiff any and  
10            all revenues and profits that they have derived from their  
11            wrongful actions, and a disgorgement of Defendants' wrongful  
12            profits and unjust enrichment;
- 13          6.     In connection with Plaintiff's copyright claims, the right to  
14             collect enhanced and statutory damages;
- 15          7.     In connection with its Lanham Act claims, an award of Plaintiff's  
16             enhanced damages under 15 U.S.C. §1117;
- 17          8.     In connection with its common law unfair competition claim, an  
18             award of punitive damages sufficient to deter Defendants'  
19             conduct;
- 20          9.     A judgment awarding Plaintiff the reasonable attorneys' fees and  
21             costs of suit, prejudgment interest; and  
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1           10.    A judgment granting Plaintiff such other and further relief as the  
2                   Court deems just and proper.

3  
4           Dated: April 11, 2014.

5                           RICHARD H. ZAITLEN  
6                           BOBBY A. GHAJAR  
7                           KELLY W. CRAVEN  
8                           PILLSBURY WINTHROP SHAW  
9                           PITTMAN LLP

10                           By:           /s/ Richard H. Zaitlen            
11   Attorneys for Plaintiff  
12   Spin Master, Ltd.

## DEMAND FOR JURY TRIAL

Dated: April 11, 2014.

By: /s/ Richard H. Zaitlen  
Attorneys for Plaintiff  
Spin Master, Ltd.